



Attorney Docket No.: 02-103110US  
Client Reference No.: 0163.210US

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MOLECULAR BREEDING OF TRANSPOSABLE ELEMENTS** the specification of which \_\_\_ is attached hereto or x was filed on July 5, 2001 as Application No. 09/899,814, and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/216,798	July 7, 2000

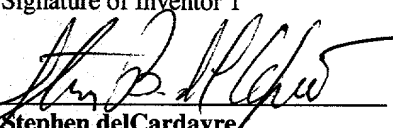

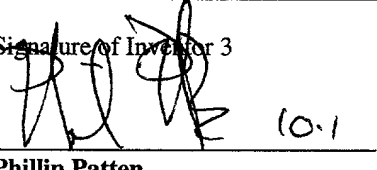
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

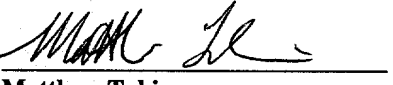
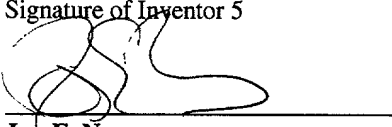

Application No.	Date of Filing	Status


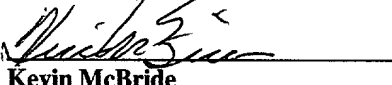
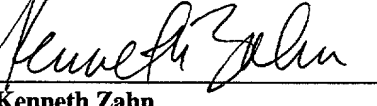
Full Name of Inventor 1:	Full Name: <b>Stephen delCardayre</b>		
Residence & Citizenship:	City: <b>Belmont</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>2049 Monroe Avenue, Belmont, CA 94002</b>		
Full Name of Inventor 2:	Full Name: <b>Ranjan Patnaik</b>		
Residence & Citizenship:	City: <b>San Jose</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>IN</b>
Post Office Address:	Post Office Address: <b>5273 Mill Creek Lane, San Jose, California 95136</b>		
Full Name of Inventor 3:	Full Name: <b>Phillip Patten</b>		
Residence & Citizenship:	City: <b>Menlo Park</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>261 La Cuesta Drive, Menlo Park, CA 94028</b>		
Full Name of Inventor 4:	Full Name: <b>Matthew Tobin</b>		
Residence & Citizenship:	City: <b>San Jose</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>5662 Sunflower Lane, San Jose, CA 95118</b>		
Full Name of Inventor 5:	Full Name: <b>Jon E. Ness</b>		
Residence & Citizenship:	City: <b>Sunnyvale</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>1220 N. Fair Oaks Avenue, # 2115, Sunnyvale, CA 94089</b>		
Full Name of Inventor 6:	Full Name: <b>Anthony Cox</b>		
Residence & Citizenship:	City: <b>Mountain View</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>GB</b>
Post Office Address:	Post Office Address: <b>1730 Plaza Court, Mountain View, CA 94040</b>		
Full Name of Inventor 7:	Full Name: <b>Lorraine J. Giver</b>		
Residence & Citizenship:	City: <b>Santa Clara</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>2538 Hawkington Ct., Santa Clara, CA 95051 USA</b>		

Full Name of Inventor 8:	Full Name: <b>Kevin McBride</b>		
Residence & Citizenship:	City: <b>Davis</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>1309 Marina Circle, Davis, CA 95616</b>		
Full Name of Inventor 9:	Full Name: <b>Kenneth Zahn</b>		
Residence & Citizenship:	City: <b>Redwood City</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>707 Leahy Street, #315B, Redwood City, CA 94061</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  <b>Stephen delCardayre</b> Date <u>10/15/01</u>	Signature of Inventor 2  <b>Ranjan Patnaik</b> Date <u>10/8/01</u>	Signature of Inventor 3  <b>Phillip Patten</b> Date <u>10-18-01</u>
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Signature of Inventor 4  <b>Matthew Tobin</b> Date <u>Oct 8, 2001</u>	Signature of Inventor 5  <b>John E. Ness</b> Date <u>10/5/01</u>	Signature of Inventor 6  <b>Anthony Cox</b> Date <u>10-15-01</u>
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Signature of Inventor 7  <b>Lorraine J. Giver</b> Date <u>10-15-01</u>	Signature of Inventor 8  <b>Kevin McBride</b> Date <u>10-8-01</u>	Signature of Inventor 9  <b>Kenneth Zahn</b> Date <u>10-9-01</u>
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declaration



0163.210  
(Modified) PTO/SB/81 (11-96)  
Approved for use through 6/30/99. OMB 0651-0035

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT, NOT  
ACCOMPANYING APPLICATION**

Application Number	09/899,814
Filing Date	July 5, 2001
First Named Inventor	Stephen delCardayre
Group Art Unit	1646
Examiner Name	Unassigned
Attorney Docket Number	02-103110US

I hereby appoint:

☒ Practitioners at Customer Number

**22798**

Type Customer Number Here



**22798**

PATENT TRADEMARK OFFICE

AND

☒ Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804
Christopher M. Holman	40,021

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

Firm or Individual Name				
Address				
Address				
City	State	Zip		
Country				
Telephone	Fax			

I am the

Applicant.

☒ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	Michael S. Rabson
Signature	[Signature]
Date	10/18/01

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 7, 2001

Typed or printed name	Juliana Hermes	Date	November 7, 2001
Signature	Juliana Hermes		



Approved for use through 09/30/02000. OMB 0651-0031

0163.210  
PTO/SB/96 (2-98)

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant: **Stephen delCardayre, et al.**

Application No.: **09/899,814**

Filed: **July 5, 2001**

Entitled: **MOLECULAR BREEDING OF TRANSPOSABLE ELEMENTS**

**Maxygen, Inc.**

, a

**corporation**

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. [ X ] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

10/18/01  
Date

Signature

**Michael S. Rabson**

**General Counsel  
And Senior Vice President**

Title

09899814-010902

FORM PTO-1595 (Rev. 6-93)		Recordation Form Cover Sheet (Patents Only)		U.S. Department of Commerce Patent and Trademark Office	
To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof					
1. Name of conveying party(ies):  Stephen del Cardayre  Additional name(s) of conveying parties attached? yes		2. Name and address of receiving party(ies)  Name: Maxygen, Inc.  Internal Address:  Street Address:  515 Galveston Drive Redwood City, CA 94063  Additional names and addresses attached? No			
3. Nature of conveyance:  X Assignment Merger  <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other:  Execution Dates: 10/08/2001, 10/09/2001, 10/15/2001, & 10/18/2001					
4. Application Number(s) or Patent Numbers.  If this document is being filed together with a new application, the execution date of the application is:					
A. Patent Application No(s): 09/899,814 Additional numbers attached? No B. Patent No(s):					
5. Name and address of party to whom correspondence concerning document should be mailed:  Name:  Law Offices of Jonathan Alan Quine P.O. Box 458 Alameda, CA 94501 (510) 337-7871			6. Total number of applications and patents involved 1  7. Total fee (37 CFR 3.41): -----\$40.00  <input type="checkbox"/> Enclosed X Charge Fees to Deposit Account  X Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.  8. Deposit account number: 50-0893		
DO NOT USE THIS SPACE					
9. Statement and signature.  To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.					
Jonathan A. Quine Name of Person Signing  Atty Reg. No. 41,261		Signature  November 7, 2001 Date		Total number of pages including cover sheet, attachments and document 6	
10. Change Correspondence Address to that of Part 5? X Yes <input type="checkbox"/> No					
OMB No. 0651-0011 (exp. 4/94)					
Do not detach this portion					
Mail documents to be recorded with required cover to:					
Asst. Commissioner for Patents Box: Assignments Washington, D.C. 20231					

COPY

1. Additional name(s) of conveying party(ies):  
(Continued from Page 1)

Ranjan Patnaik  
Phillip Patten  
Matthew Tobin  
Jon E. Ness  
Anthony Cox  
Lorraine J. Giver  
Kevin McBride  
Kenneth Zahn

2. Additional name(s) and address(es) of receiving party(ies):  
(Continued from Page 1)

3. Additional application number(s) or patent number(s):  
(Continued from Page 1)

A. Patent Application No.(s)

B. Patent No.(s)

09899344-010902

**P** **E** **R** **S** **O** **N**

Attorney Docket No.: 02-103110US

Client Reference No.: 0163.210US

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Stephen delCardayre, of 2049 Monroe Avenue, Belmont, CA 94002, Ranjan Patnaik of 5273 Mill Creek Lane, San Jose, California 95136, Phillip Patten of 261 La Cuesta Drive, Menlo Park, CA 94028, Matthew Tobin, 5662 Sunflower Lane, San Jose, CA 95118, Jon E. Ness of 1220 N. Fair Oaks Avenue, # 2115, Sunnyvale, CA 94089, Anthony Cox of 1730 Plaza Court, Mountain View, CA 94040, Lorraine J. Giver of 2538 Hawkington Ct., Santa Clara, CA 95051, Kevin McBride, of 1309 Marina circle, Davis, CA 95616, and Kenneth Zahn, of 707 Leahy Street, #315B, Redwood City, CA 94061, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: MOLECULAR BREEDING OF  
TRANSPOSABLE ELEMENTS

Filing Date: July 5, 2001

Application No.: 09/899,814; and

WHEREAS, Maxygen, Inc., a Delaware corporation, located at 515 Galveston Drive Redwood City, CA 94063, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

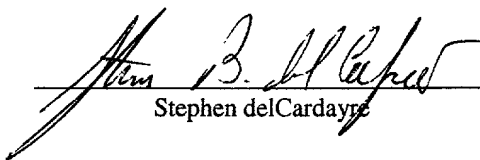
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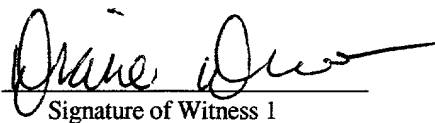
IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 10/15/01

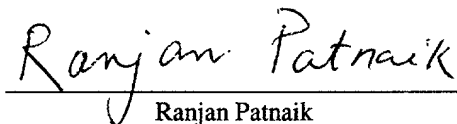
  
Stephen delCardayre

SIGNATURE WITNESSED BY:

(1) Date: 10/15/01

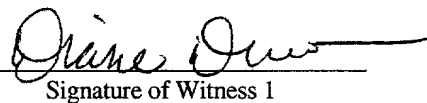
  
Signature of Witness 1

Dated: 10/8/01

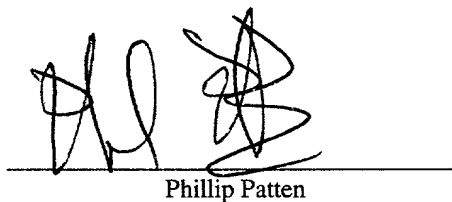
  
Ranjan Patnaik

SIGNATURE WITNESSED BY:

(1) Date: 10/8/01

  
Signature of Witness 1

Dated: 10.18.01

  
Phillip Patten

SIGNATURE WITNESSED BY:

(1) Date: 10/18/01

  
Signature of Witness 1

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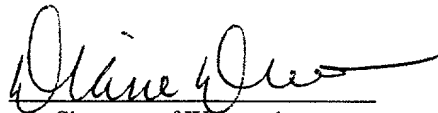
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Dated: Oct 8, 2001

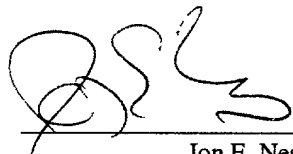
  
Matthew Tobin

SIGNATURE WITNESSED BY:

(1) Date: 10/8/01


  
Signature of Witness 1

Dated: 10/9/01

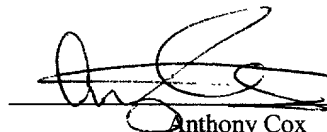
  
Jon E. Ness

SIGNATURE WITNESSED BY:

(1) Date: 10/9/01

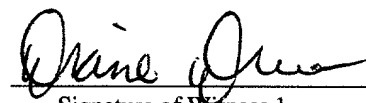
  
Signature of Witness 1

Dated: 10/15/01

  
Anthony Cox

SIGNATURE WITNESSED BY:


(1) Date: 10/15/01

  
Signature of Witness 1

09899814-01002

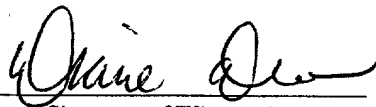
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Dated: 10/15/01

  
Lorraine J. Giver

SIGNATURE WITNESSED BY:

(1) Date: 10/15/01

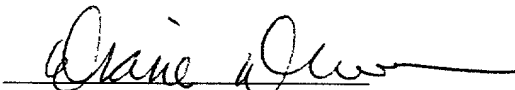
  
Signature of Witness 1

Dated: 10-8-01

  
Kevin McBride

SIGNATURE WITNESSED BY:

(1) Date: 10/8/01

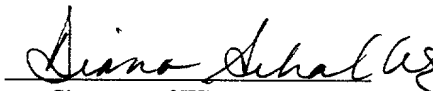
  
Signature of Witness 1

Dated: 10/9/01

  
Kenneth Zahn

SIGNATURE WITNESSED BY:

(1) Date: 10/2/01

  
Signature of Witness 1

09899814.010902